

Article 3: Police Regulated Occupations and Businesses**Division 46: Police Permits for Pedicabs**

(“Police Permits for Pedicabs” added 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4601 Purpose

It is the purpose of this Division to regulate *pedicab owners* and *operators* by requiring a *police permit*. These regulations are intended to protect the health, safety, and welfare of the general public, and passengers using *pedicabs* as a mode of transportation.

(“Purpose” added 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4602 Definitions

Chief of Police has the same meaning as in San Diego Municipal Code (Municipal Code) section 33.0201.

Darkness means any time from one-half hour after sunset to one-half hour before sunrise and any time when visibility is not sufficient to render clearly discernible any *person* or vehicle on the highway at a distance of 1000 feet.

Operating permit means a photo identification issued by the *Chief of Police* pursuant to this Division, authorizing the *person* to act as a *pedicab operator*.

Operator means any *person* who pedals, steers, uses the brakes, or otherwise controls a *pedicab* within the City of San Diego.

Owner means any *person* who owns a *pedicab*.

Pedicab means:

- (a) A bicycle that: (1) has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, (2) is operated by a *person*, and (3) is used for transporting passengers for hire; or

- (b) A bicycle that: (1) pulls a trailer, sidecar, or similar device, (2) transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, (3) is operated by a *person*, and (4) is used for transporting passengers for hire.

Pedicab Decal means the numbered decal issued by the *Chief of Police* to a *pedicab owner* for display on the *pedicab* to indicate that the *pedicab* is permitted to operate everywhere in the City of San Diego except those areas designated as *Restricted Pedicab Zones*.

Pedicab Restricted Zone Decal means the numbered decal issued by the City to a *pedicab owner* for display on the *pedicab* to indicate that the *pedicab* is permitted to operate anywhere in the City of San Diego including those areas designated as *Restricted Pedicab Zones*.

Permit and *police permit* have the same meaning as in Municipal Code section 33.0201.

Person has the same meaning as in Municipal Code section 11.0210.

Restricted Pedicab Zone means a geographical area listed in Municipal Code section 83.0107.

Seatbelt means the safety strap or harness designed to hold a *person* securely in a seat.

(“Definitions” added 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4603 Application and Regulatory Fees

- (a) It is the policy of the City of San Diego that the cost of investigating and processing applications for *police permits* for *pedicab owners* and *operators* be borne by the applicants. All applications shall be accompanied by a non-refundable application fee, which will cover the cost of investigating and processing the application.
- (b) It is the policy of the City of San Diego that the cost of inspecting, regulating, and enforcing laws relating to *pedicab owners* and *operators* be borne by the *permittees* in the form of regulatory fees. Regulatory fees shall be paid according to the schedule set in the City Clerk’s Composite Rate Book.

(Renumbered from former Section 83.0105, retitled from “*Pedicab Operating Permit Fee*” to “*Application and Regulatory Fees*” and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4604 Police Permit Required for Pedicab Operator

- (a) It is unlawful for any *person* to operate a *pedicab* without a *police permit*.
- (b) It is unlawful for a *pedicab* operator, while operating a *pedicab*, to fail to wear or display his or her *operating permit* in a manner clearly visible to the public.

(Renumbered from former Section 83.0103, retitled from "Permit Requirements to Operate Pedicab" to "Police Permit Required for Pedicab Operator" and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4605 Pedicab Operator Permit Application Contents

- (a) Each applicant for an *operating permit* shall furnish the following information to the *Chief of Police*:
 - (1) Proof of a valid Business Tax Certificate issued pursuant to Chapter 3, Article 1 of this Municipal Code.
 - (2) A valid California driver's license, as required by the California Vehicle Code.
 - (3) The full true name and any other names ever used by the applicant.
 - (4) The applicant's date of birth.
 - (5) Applicant's height, weight, color of eyes and hair.
 - (6) The current residential address and telephone number of the applicant.
 - (7) Each residential and business address of the applicant for the five years immediately preceding the date of the application, and the inclusive dates of each such address.
 - (8) Applicant's business, occupation, and employment history for the five years immediately preceding the date of application, including addresses and dates of employment.
 - (9) Photographs as specified by the *Chief of Police*.
 - (10) Fingerprints.
 - (11) A signed copy of the "Pedicab Operator Code of Conduct."

(12) All criminal convictions, including those dismissed pursuant to California Penal Code section 1203.4, and the dates and places of the convictions.

(b) Any application that does not include all information requested by the application form or not supported by the materials required by this section may be rejected as incomplete.

(Renumbered from former Section 83.0104, retitled from “Application for Operating Permit” to “Pedicab Operator Permit Application Contents” and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4606 Term of Pedicab Operating Permit

(a) An *operating permit* shall be valid for one year from the date of issuance.

(b) *Operating permits* that are defaced, altered, forged, or counterfeited are invalid.

(c) *Operating permits* are non-transferable.

(Renumbered from former Section 83.0106, retitled from “Validity of Operating Permit” to “Term of Pedicab Operating Permit” and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4607 Renewal of Pedicab Operating Permit

Operating permits may be renewed annually in accordance with the provisions of Municipal Code section 33.0308.

(Renumbered from former Section 83.0107, retitled from “Operating Permit Renewal” to “Renewal of Pedicab Operating Permit” and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4608 Fare Schedule

(a) *Pedicab operators* shall post a “per passenger” fare schedule on the *pedicab* that meets the size, format, and location requirements of section 33.4609.

(b) The fare schedule shall be clearly visible to all passengers while seated in the *pedicab*.

- (c) It is unlawful for any *operator* to charge a passenger a fare greater than the posted fare schedule.

(Renumbered from former Section 83.0108 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4609 Fare Schedule Sign Requirements

- (a) Size – A fare schedule sign shall be a minimum of 8-1/2 inches in width by 6 inches in height.
- (b) Font and color – The required font shall be “Arial Bold,” in a color to produce maximum contrast with the background, adequately spaced for maximum readability.
- (c) Format – The fare schedule shall include the following text:
- Line 1– FARE SCHEDULE (All capitalized with minimum font size of 36)
- Line 2– (PER PERSON) (All capitalized with minimum font size of 36)
- Line 3– Rate charged (Minimum font size of 36).
- (d) Location Requirements – The fare schedule shall be securely attached to the *pedicab* in a location clearly visible to all passengers while seated in the *pedicab*.

(Renumbered from former Section 83.0109 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4610 Prohibitions on the Operation of Pedicabs

- (a) It is unlawful for any *person* under the age of eighteen to operate a *pedicab*.
- (b) It is unlawful to operate a *pedicab* in a manner that results in damage to public property.
- (c) It is unlawful to operate a *pedicab* in a manner that creates or generates public nuisance noise in violation of section 59.5.0501 or section 59.5.0502 of the Municipal Code.
- (d) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* having more than one attached trailer or sidecar.

- (e) It is unlawful to operate, or for an *owner* to allow to be operated, a *pedicab* while carrying a number of passengers that exceeds the number of available seats.
- (f) It is unlawful to operate a *pedicab* unless all passengers are restrained by *seatbelts*.

(Renumbered from former Section 83.0121 to Section 33.4610(a), retitled from "Minimum Age for Pedicab Operators;" renumbered from former Section 83.0124 to Section 33.4610(e), retitled from "Passenger Seating Requirements;" renumbered from former Section 83.0125 to Section 33.4610(b), (d), and (f), retitled from "Prohibitions on the Manner of Operating Pedicabs;" to "Prohibitions on the Operation of Pedicabs" and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4611 Other Laws Applicable to Pedicab Owners and Operators

Operators and owners are subject to all applicable laws, rules, and regulations of the Municipal Code and the California Vehicle Code pertaining to the operation of bicycles upon streets, except those provisions that by their very nature can have no application.

(Renumbered from former Section 83.0120 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4612 Pedicab Decals: General and Restricted Zone

- (a) The number of *Pedicab Restricted Zone Decals* issued shall be set by resolution of the San Diego City Council.
- (b) It is unlawful to operate a *pedicab* or for any *owner* to lease, rent, or allow a *pedicab* to be operated within the City without first having obtained a *Pedicab Decal* or *Pedicab Restricted Zone Decal* issued pursuant to this Division.
- (c) The *Pedicab Decal* or *Pedicab Restricted Zone Decal* shall be permanently affixed to the frame of the *pedicab* in a location that is clearly visible to the passenger or the public.

(Renumbered from former Section 83.0114 on 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4613 Application for Pedicab Decal or Pedicab Restricted Zone Decal

- (a) Before allowing a *pedicab* to be operated, *owners* shall obtain a *Pedicab Decal* or *Pedicab Restricted Zone Decal*.
- (b) Each applicant for a *Pedicab Decal* or *Pedicab Restricted Zone Decal* shall provide the following information to the *Chief of Police*:
 - (1) The full name and any other names ever used by the applicant;
 - (2) The current residential address and phone number of the applicant;
 - (3) Each residential and business address of the applicant for the five years immediately preceding the date of the application, and the inclusive dates of each such address;
 - (4) Written proof that the applicant is at least eighteen years of age;
 - (5) Applicant's height, weight, color of eyes and hair;
 - (6) Photographs as specified by the *Chief of Police*;
 - (7) Applicant's business, occupation, and employment history for the five years immediately preceding the date of application, including addresses and dates of employment;
 - (8) Whether the applicant has ever had a *pedicab operator permit*, *Pedicab Decal* or *Pedicab Restricted Zone Decal*, or similar *license* or *permit*, denied, suspended, or revoked within five years immediately preceding the date of the application, and the reason for the denial, suspension, or revocation;
 - (9) All criminal convictions, including those dismissed pursuant to California Penal Code section 1203.4, except traffic, and the dates and places of the conviction;
 - (10) Fingerprints;
 - (11) The name and address of all legal and registered *owners* of the *pedicab*;
 - (12) A description of the *pedicab*, including trade name, if any, serial number, and body style;
 - (13) Physical address of *pedicab* storage; and
 - (14) Such other information as the *Chief of Police* may require.

- (c) *Owners* shall provide proof of insurance in accordance with section 33.4620.
- (d) *Owners* shall provide a completed Pedicab Inspection Form, which verifies the City-assigned *pedicab* identification number, all required safety equipment, and *pedicab* exterior markings.
- (e) *Owners* shall inform the *Chief of Police* when changes in insurance, business address, storage address, or mailing address occur after a *Pedicab Decal* or *Pedicab Restricted Zone Decal* is issued, within 10 calendar days of any such changes.

(Renumbered from former Section 83.0115 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4614 Requirements for Issuance or Renewal of Pedicab Decals and Pedicab Restricted Zone Decals

No *Pedicab Decals* or *Pedicab Restricted Zone Decals* may be issued or renewed unless the *pedicab* meets all of the equipment requirements contained in section 33.4618, and all outstanding parking fees for that *pedicab* are paid.

(Renumbered from former Section 83.0116 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4615 Pedicab Decal and Pedicab Restricted Zone Decal Fees

The *Chief of Police* shall charge a nonrefundable fee to recover the costs associated with the administration, regulation, and issuance of *Pedicab Decals* or *Pedicab Restricted Zone Decals*. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the City Clerk's Office.

(Renumbered from former Section 83.0117 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4616 Duration of Validity of Pedicab Decals and Pedicab Restricted Zone Decals

- (a) Section 33.0308 of the Municipal Code notwithstanding, a *Pedicab Decal* or *Pedicab Restricted Zone Decal* is valid from the date issued through December 31 of the year for which it is issued.
- (b) A *Pedicab Decal* or *Pedicab Restricted Zone Decal* is invalid if the *Pedicab Decal* or *Pedicab Restricted Zone Decal* is defaced, altered, mutilated, forged, or counterfeited.

- (c) *Pedicab Decals* and *Pedicab Restricted Zone Decals* are non-transferable.
(Renumbered from former Section 83.0118 and amended 7-16-2015 by O-20515
N.S.; effective 8-15-2015.)

§33.4617 Pedicab Decal and Pedicab Restricted Zone Decal Renewal

Pedicab Decals and *Pedicab Restricted Zone Decals* may be renewed every calendar year upon the filing of a new application and payment of a fee as determined by the City. *Pedicab Decals* and *Pedicab Restricted Zone Decals* may be renewed beginning December 1 for the following calendar year.

(Renumbered from former Section 83.0119 and amended 7-16-2015 by O-20515
N.S.; effective 8-15-2015.)

§33.4618 Equipment Regulations for Pedicabs

- (a) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* during the hours of *darkness*, without using battery-operated taillights mounted on the right and left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet of the rear of the *pedicab*.
- (b) It is unlawful for any person to operate, or for any *owner* to allow to be operated, a *pedicab* without a *seatbelt* or *seatbelts* for passengers. *Seatbelts* shall be in proper working order.
- (c) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* in an unsafe condition.
- (d) It is unlawful to operate, or for any *owner* to allow to be operated, a *pedicab* that does not comply with the exterior marking requirements as required by section 33.4619.

(Renumbered from former Section 83.0123 and amended 7-16-2015 by O-20515
N.S.; effective 8-15-2015.)

§33.4619 Pedicab Exterior Markings

- (a) *Owners* shall permanently affix the company trade name, the company phone number, and the identification number assigned by the City, on the *pedicab* in a location that is clearly visible to the public at all times. These markings shall meet the following requirements:

- (1) Font and color – “Arial Bold” font in a color to produce maximum contrast, adequately spaced for maximum readability.
- (2) Font size – Minimum 2 inches tall.
- (b) *Owners* shall also secure or affix a City-assigned identification number on each *pedicab*, on the *pedicab* seat tube or *pedicab* trailer draw bar, in a manner that is clearly visible.

(Renumbered from former Section 83.0130 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

§33.4620 Insurance Requirements

- (a) It is unlawful for any *person* to operate a *pedicab* within the City of San Diego unless at the time of such operation the *owner* has in effect a valid policy of commercial general liability coverage or business auto coverage with a *pedicab* endorsement on the policy.
- (b) The insurance policy, required to be issued under section 33.4620(a), shall be executed and delivered by a company with a rating of A in Best’s Key Rating Guide and authorized to carry on an insurance business in the State of California, the financial responsibility of which company has been approved by the City. The terms of the policy shall provide that the insurance company assumes financial responsibility in an amount not less than \$1 million per occurrence for bodily injuries and personal injuries or property damage caused by the operation of the *pedicab*, including but not limited to, *pedicabs* operated by the officers, employees, agents, independent contractors, or lessees of the *owner*.
- (c) A valid certificate of insurance issued by a company providing the required insurance policy shall be available for inspection at the *owner’s* principal place of business. A certificate of insurance shall provide that the insurer will notify the City of any cancellation of the *owner’s* insurance policy and that the cancellation notice shall be in writing and such notice shall be sent by registered mail at least thirty days before cancellation of the policy.
- (d) The certificate shall include all of the following:
 - (1) the full name of the insurer;
 - (2) the name and address of the insured;
 - (3) the insurance policy number;

- (4) the type and limits of coverage;
 - (5) the City-assigned identification number of the specific vehicles insured;
 - (6) the effective dates of the insurance policy; and
 - (7) the certificate issue date.
- (e) Upon demand of a peace officer, every *operator* of a *pedicab* shall provide valid proof of insurance for the *pedicab*.
- (f) Every *operator* of a *pedicab* shall stop and provide proof of insurance to the other party or parties, if the *pedicab* becomes involved in a collision with another vehicle, bicycle, *pedicab*, or pedestrian, on public or private property.

(Renumbered from former Section 83.0126 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

33.4621 Pedicab Impound

- (a) Every *operator* and every *owner* is subject to applicable impound provisions in California Vehicle Code section 22651. *Operators* and *owners* are subject to the same rights and responsibilities as a driver of a motor vehicle as it relates to *pedicab* impounds.
- (b) *Pedicabs* subject to impound may be removed by Police contract tow companies and are subject to City tow fees. Any peace officer, police officer, or parking enforcement officer engaged in traffic or parking enforcement may remove or impound a *pedicab* under any of the following circumstances:
- (1) When an *operator* is issued a citation for a violation of Municipal Code section 33.4612(b) or (c);
 - (2) When an *operator* is issued a citation for a violation of Municipal Code section 33.4604(a);
 - (3) When an *operator* is arrested and taken into custody;
 - (4) When an *owner* has five or more unpaid parking violations related to the *pedicab* to be towed;
 - (5) When an *operator* is physically incapacitated to the extent he or she is unable to safely operate the *pedicab*;

- (6) When a *pedicab* is parked or left standing upon a City street or sidewalk so as to obstruct the normal movement of vehicles or pedestrians or in a condition that creates a hazard; or
- (7) When the *pedicab* is in violation of section 83.0104(d) or (e).
- (c) An *owner* of a *pedicab* removed pursuant to section 33.4621 shall be provided an opportunity for a post-storage hearing to determine the validity of the storage, in accordance with California Vehicle Code section 22852. The impounding agency shall have the burden of establishing the validity of the removal.

(Renumbered from Section 83.0111 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

33.4622 Denial, Suspension, or Revocation of Operating Permit, Pedicab Decal, or Pedicab Restricted Zone Decal; Appeal Rights

- (a) *Operating permits, Pedicab Decals, or Pedicab Restricted Zone Decals* may be denied, suspended, or revoked by the *Chief of Police* based upon any of the following grounds:
 - (1) The *operator* or *owner* fails to comply with the insurance requirements set forth in section 33.4620;
 - (2) The *operator* has been convicted of assault; battery; resisting arrest; any felony involving force and violence; any misdemeanor or felony reckless driving or driving under the influence offense; or any crime reasonably related to the qualifications, functions, or duties of the passenger transport business or the ability of the *operator* to safely transport passengers, including a misdemeanor conviction under California Penal Code section 415 as part of a plea bargain in satisfaction of or substitute for an original charge of any of those listed above, unless five years has elapsed from the date of discharge from a penal institution, or the successful completion of probation for such conviction;
 - (3) The *operator* has been convicted of a crime that requires registration under the California Penal Code as a sex offender;

- (4) The *operator* or *owner* has knowingly made a false statement of material fact, or knowingly failed to state a material fact in the application process for the *operating permit*, *Pedicab Decal*, or *Pedicab Restricted Zone Decal*;
 - (5) The *operator* has engaged in activity that, in the judgment of the *Chief of Police*, constitutes a serious threat to public health, safety, or welfare, including receiving a report from a law enforcement agency that the *pedicab* or *operator* was at fault in a vehicle or pedestrian accident involving a *pedicab*, resulting in injuries;
 - (6) The *operator* fails to maintain a valid California driver's license, including having his or her driving privilege suspended or revoked by the Department of Motor Vehicles; or
 - (7) The *operator* fails to comply with any provision of the California Vehicle Code pertaining to the operation of bicycles upon streets.
- (b) Any *owner* or *operator* who has been denied a *police permit* or is given notice that regulatory action as described in sections 33.0403(b)(4) through (8) may be taken by the *Chief of Police* against an *operating permit*, *Pedicab Decal*, or *Pedicab Restricted Zone Decal* may request an appeal subject to the rights and procedures prescribed in Municipal Code sections 33.0501, 33.0502, 33.0503, 33.0504, 33.0505, and 33.0508.

(Renumbered from former Section 83.0127, retitled from "Denial, Suspension or Revocation of Operating Permit, Pedicab Decal or Pedicab Restricted Zone Decal; Notification of Action;" renumbered from Section 83.0128, retitled from "Procedure for Denial, Suspension or Revocation of Operating Permits and Pedicab Decals or Pedicab Restricted Zone Decals;" to Denial, Suspension, or Revocation of Operating Permit, Pedicab Decal, or Pedicab Restricted Zone Decal; Appeal Rights;" and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

33.4623 Immediate Seizure of Operating Permit; Emergency Action

- (a) Any peace officer may immediately seize an *operating permit* under any of the following circumstances:
 - (1) When the *operator* is arrested for driving under the influence of alcohol or controlled substance while operating a *pedicab* under California Vehicle Code section 21200.5.

- (2) When a *pedicab* is operated in a manner that creates an immediate safety hazard.
- (3) When the *operator* or *owner* is found not in compliance with section 33.4610(f).
- (b) Upon seizure of an *operating permit*, a peace officer shall forward the *operating permit* along with a copy of the written complaint, as soon as practicable, to the *Chief of Police*. The *Chief of Police* may review and immediately begin proceedings to suspend or revoke the *operating permit*, or upon review, may make the *operating permit* available for return.
- (c) Section 33.4622(b) notwithstanding, when, after the issuance of an *operating permit*, the *Chief of Police* receives a certified record of conviction for an offense meeting the criteria of section 33.4622(a)(2) or (a)(3), or receives a report from a government agency that contains information that the grounds specified in section 33.4622(a)(5) exists, the *Chief of Police* may take immediate action pursuant to section 33.0406.

(Renumbered from former Section 83.0129, retitled from "Immediate Seizure of Operating Permit" to "Immediate Seizure of Operating Permit; Emergency Action" and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

33.4624 Enforcement Authority

The *Chief of Police* shall administer and enforce this Division. The *Chief of Police* shall be responsible for accepting applications for a *police permit* to own or operate a *pedicab*, and for issuing the *permit*. The *Chief of Police* will be responsible for determining the fitness of applicants for a *police permit* to own or operate a *pedicab*, investigating any violations of this Division, and for taking administrative action against any *police permit* issued under this Division.

(Renumbered from former Section 83.0131 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

(8-2015)

33.4625 Enforcement Remedies

The provisions of Municipal Code section 12.0201 notwithstanding, violations of this Division may be prosecuted as misdemeanors punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County Jail for a period of not more than six months, or by both fine and imprisonment, except as otherwise stated in the California Vehicle Code. The *Chief of Police* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

(Renumbered from former Section 83.0132 and amended 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

33.4626 Strict Liability Offenses

Violations of this Division shall be treated as strict liability offenses, unless otherwise specified.

(Renumbered from former Section 83.0133 on 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)

33.4627 Penalties and Regulatory Action

All penalties and regulatory action related to a *police permit* issued to *owners* and *operators* of *pedicabs* shall be conducted as prescribed in Municipal Code sections 33.0401 to 33.0406.

(“Penalties and Regulatory Action” added 7-16-2015 by O-20515 N.S.; effective 8-15-2015.)